

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JAMES PORATH,
Plaintiff,
v.

No. 3:18-cv-03091-WHA
No. 3:20-mc-80089-WHA
No. 3:20-cv-03571-WHA

LOGITECH INC.,
Defendant.

ORDER DISMISSING CASES

JAMES PORATH,
Plaintiff,
v.
OFFICE DEPOT, INC.,
Defendant.

JAMES PORATH,
Plaintiff,
v.
LOGITECH INC.,
Defendant.

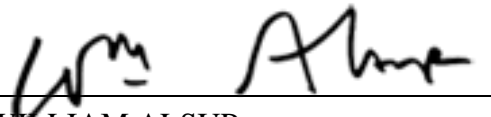
In May 2018, a class action complaint was filed against Logitech Inc. by plaintiff James Porath (Dkt. No. 1). On November 18, 2019, the Court denied class certification on the

1 grounds that the proposed class representative, a three-time convicted felon, could not be
2 trusted as a fiduciary to lead any class (Dkt. No. 78). The Court allowed plaintiff's counsel the
3 opportunity to seek a new class representative, an opportunity which counsel declined (Dkt.
4 No. 82). The Court then instructed plaintiff's counsel to submit a proposed notice to absent
5 class members of the demise of this class action, as well as a plan of distribution of such notice
6 (Dkt. No. 83). Counsel's plan to effectuate notice to the class included service of subpoenas
7 on certain third-party retailers in order to obtain email addresses for the putative class members
8 (Dkt. No. 84). The Court approved plaintiff's proposed notice and distribution plan, stating
9 that pending further order, the case would be dismissed on April 14, 2020 (Dkt. No. 87).
10 Subsequently, two third-party retailers that were subpoenaed pursuant to the Court's order,
11 Office Depot, Inc. and Amazon.com, Inc., objected to the subpoenas, resulting in the filing of
12 two related cases seeking to compel those third-party retailers' compliance with the Court's
13 order, 3:20-mc-80089-WHA and 3:20-cv-03571-WHA.

14 The Court finds that after the passage of so much time, there is no longer any need to
15 give the putative class notice of the collapse of this case. Earlier, plaintiff's counsel was given
16 the opportunity to find a new class representative and class counsel advised they would not do
17 so. Many months have now passed, and no one has sought to intervene and pick up the fallen
18 banner. There is no need to subpoena Office Depot, Inc. and Amazon.com, Inc. in order to
19 identify persons who bought the at-issue product who conceivably might be relying on the
20 pendency of this action. Therefore, the subpoenas as to Office Depot, Inc. and Amazon.com,
21 Inc. are **QUASHED**. All three related cases are **DISMISSED** with prejudice as to Mr. Porath and
22 without prejudice to the putative class members.

23 **IT IS SO ORDERED.**

24
25 Dated: November 30, 2020

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27 
28 WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE